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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.
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09/633,497 08/07/00 HICKMAN

P NE01P025B

EXAMINER

WM02/0828

HICKMAN COLEMAN & HUGHES LLP  
P O BOX 52037  
PALO ALTO CA 94303-0746

PATEL, A

ART UNIT

PAPER NUMBER

2662

DATE MAILED:

08/28/01

Please find below and/or attached an Office communication concerning this application or proceeding.

Commissioner of Patents and Trademarks

# Office Action Summary

Application No.  
09/633,497

Applicant(s)  
P. HICKMAN

Examiner  
AJIT PATEL

Art Unit  
2662



– The MAILING DATE of this communication appears on the cover sheet with the correspondence address –

## Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136 (a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

## Status

- 1) ☒ Responsive to communication(s) filed on Aug 7, 2000
- 2a) ☐ This action is FINAL. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 35 C.D. 11; 453 O.G. 213.

## Disposition of Claims

- 4) ☒ Claim(s) 1-20 is/are pending in the application.
- 4a) Of the above, claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-20 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claims \_\_\_\_\_ are subject to restriction and/or election requirements.

## Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are objected to by the Examiner.
- 11) ☐ The proposed drawing correction filed on \_\_\_\_\_ is: a) ☐ approved b) ☐ disapproved.
- 12) ☐ The oath or declaration is objected to by the Examiner.

## Priority under 35 U.S.C. § 119

- 13) ☐ Acknowledgement is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d).
- a) ☐ All b) ☐ Some\* c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
  - ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \*See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgement is made of a claim for domestic priority under 35 U.S.C. § 119(e).

## Attachment(s)

- 15) ☒ Notice of References Cited (PTO-892)
- 16) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 17) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s). \_\_\_\_\_
- 18) ☐ Interview Summary (PTO-413) Paper No(s). \_\_\_\_\_
- 19) ☐ Notice of Informal Patent Application (PTO-152)
- 20) ☐ Other: \_\_\_\_\_

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1. Applicant is requested to provide the status of the co-pending U. S. application recited on page one of the specification.

2. Claims 1-20 are provisionally rejected under 35 U.S.C. 101 as claiming the same invention as that of claims 1-20 of copending Application No. 08/847,921. This is a provisional double patenting rejection since the conflicting claims have not in fact been patented.

3. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless --

(e) the invention was described in a patent granted on an application for patent by another filed in the United States before the invention thereof by the applicant for patent, or on an international application by another who has fulfilled the requirements of paragraphs (1), (2), and (4) of section 371© of this title before the invention thereof by the applicant for patent.

4. Claims 1-12,16-20 are rejected under 35 U.S.C. 102(e) as being anticipated by Wise et al.

Wise et al disclose the computer document audio access and conversion system which allows a user to access information originally formatted for audio/visual interfacing on a computer network via a simple telephone comprising an access system (100 of fig.1)coupled to a TCP/IP network (15 of fig. 1), the TCP/IP network comprising a plurality of nodes, the TCP/IP network providing access to web pages stored on computer systems (18, 19 of fig. 1) coupled to the TCP/IP network, the web pages comprising HTML code that can be transmitted via TCP/IP packets to the access system over

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the TCP/IP network, the access system being able to receive the TCP/IP packets and to parse HTML code into text and non-text portions (line 66, col. 1 through line 64, col. 2); a telephone system (111 of fig. 1) coupling the telephone to the access system for interactive communication with the access system (100 of fig. 1); a text-to-speech system (113 of fig. 1) associated with the access system for reading at least some of the text to a user of the telephone; wherein the telephone is a touch-tone telephone (lines 52-55, col. 3), and wherein the access system can be provided with commands in the form of DTMF signals (line 66, col. 1 through line 64, col. 2); a speech recognition system responsive to spoken commands from the telephone user and operative to provide operational commands to the access system (lines 49-58, col.2); wherein the access system is responsive to commands from the telephone user for navigating both within a web page and between web pages of the TCP/IP network (250 of fig.2).

5. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

6. Claims 13-15 are rejected under 35 U.S.C. 103(a) as being unpatentable over Wise et al in view of Radziewicz et al.

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Wise et al disclose all the claimed subject matter as described in previous paragraph except the steps of predicting a download time for the web page and playing the selected advertisement while downloading the web page. Radziewicz et al disclose a network communications marketing system comprising the steps of predicting a download time for the web page and playing the selected advertisement while downloading the web page (lines 31-339, col. 1; col. 5, line 43 through col. 6, line 12). Therefore, it would have been obvious to one skilled in the art to use the steps of predicting a download time for the web page and playing the selected advertisement while downloading the web page as taught by Radziewicz et al in the system of Wise et al in order to generate network income.

**7. Any response to this action should be mailed to:**

Commissioner of Patents and Trademarks

Washington, D.C. 20231

**or faxed to:**

(703) 305-3988, (for formal communications intended for entry)

**Or:**

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(703) 305-3988 (for informal or draft communications, please label "PROPOSED" or "DRAFT")

Hand-delivered responses should be brought to Crystal Park II, 2021 Crystal Drive, Arlington. VA., Sixth Floor (Receptionist).

8. Any inquiry concerning this communication or earlier communications from the examiner should be directed to AJIT PATEL whose telephone number is (703) 308-5347. The examiner can normally be reached on Monday-Thursday from 6:30 to 5:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, HASSAN KIZOU, can be reached on (703) 305-4744. The fax phone number for this Group is (703) 305-5403.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the Group receptionist whose telephone number is (703) 305-4700 .

**AJIT PATEL**

August 22, 2001

  
Ajit Patel  
Primary Examiner